
Annual Report

April 1, 1984 to March 31, 1985



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of British Columbia

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Chairman's Report

I am pleased to report that the past year has been a positive one for the Society.

At the beginning of our fiscal year we faced a cumulative deficit of \$1.66 million; proposed legislation by the provincial government which, while giving the Society flexibility in determining priorities, would have removed the desirable minimum standards of service provided for in the *Legal Services Society Act* as interpreted by the Court of Appeal in *Mountain v. Legal Services Society*; uncertainty in our funding and pressure on our resources.

A year later, things look considerably better: the deficit has effectively been eliminated; the provincial government has indicated that it will not be proceeding with amendments to the Act; we have a large measure of certainty and stability in our funding; and, while the demand for legal services by the disadvantaged still far out-strips our ability to provide those services, we have commenced initiatives which, we are hopeful, will lead to increased resources being available to the Society in the very near future.

A number of events during the past year have contributed to this change in prospects:

1 The Attorney General's Task Force on Public Legal Services in British Columbia concluded its hearings in the spring of 1984 and delivered its report in August. During the course of its hearing hundreds of submissions supportive of the Society were received. The Task Force's report was similarly supportive and gave a number of far-reaching recommendations.

2 In September of 1984 an Evaluation of Legal Aid in British Columbia conducted by the Federal Department of Justice likewise praised the efforts of the Society and underscored the extremely tight financial eligibility standards necessarily set by the Society, finding that those applicants rejected on financial grounds by the Society were "only marginally better off than accepted applicants."

3 Positive and effective lines of communication were built between the Office of the Attorney General, the Law Society, the Canadian Bar Association and the Society as the result of a number of searching and very candid meetings.

A recognition of the real limitations upon government's ability to provide substantially increased funding during the current times of economic restraint with, on the other hand, recognition by government of the importance of the presence of legal aid in the justice system and, particularly, the very economic operations of the Society, lead to a commitment by Attorney General Brian Smith that funds budgeted for the Society by the government during the next two fiscal years would remain stable and would not be reduced if new sources of funds were to augment the Society's budget.

4 The Board of Governors of the Law Foundation continued their important financial support of the Society by agreeing to payment of their grant on a basis that will, hopefully, permit the Society to continue, without reduction, the level of minimum services provided during the past fiscal year.

5 The Law Society and the Canadian Bar Association joined with the Society in forming a joint Legal Aid Liaison Committee to provide an effective basis of support for the Society. Starting in early 1985, the Committee meets regularly and its contributions to date have been extremely effective.

6 In his letter of instruction dated December 8, 1983 to the Task Force, Attorney General Brian Smith indicated that he considered his responsibility for ensuring that publicly funded legal education and client services are effectively and efficiently provided to be one of the most vital aspects of his office. At his meetings with me and others concerned with legal aid, he exhibited a determination to carry out that responsibility within the limits of the financial resources available to him.

7 The Society established a committee which worked diligently and effectively with the practising Bar to establish an enhanced program of pro bono contributions in the non-family, non-criminal areas by firms and individuals that have not been able to assist in the past. At the time of writing this report, indications are that the Bar will be coming forward in the near future with a program to be operated under the direction of the Society.

8 Our staff at all levels has continued to work with dedication and pride in the recognition that they are engaged in a most honourable task. For the extent to which a greater measure of stability in funding will relieve them from pressure and uncertainty, I am grateful, as they have many other desperate problems to be concerned with.

At the same time, those members of the practising Bar taking tariff referrals have continued to do so at a tariff level which is much lower than the Directors would like to pay and which continues to include a restraint deduction of 12½ per cent.

9 In June of 1984, the administrative offices and Legal Resource Centre were moved to our present location at 1140 West Pender Street. A unique arrangement between the developer and the City of Vancouver enabled the Society to obtain an entire floor of the building, fully improved, virtually without charge for a period of fifteen years.

10 The Canadian Bar Association formed a National Legal Aid Liaison Committee and made legal aid issues a priority during the past year. The Society benefited from this increased consciousness of the value of legal aid.

11 During the past year the Society explored and is continuing to work positively towards the enhancement of its funding from new sources.

While all of the above is encouraging, it should not be taken to mean that the Directors of the Society can be complacent. Financial eligibility for legal aid in B.C. is limited to those with incomes below the Statistics Canada poverty level. It is a test that is both inflexible and unrealistically low.

The tariffs for family and criminal matters are among the lowest in Canada and this disparity is further aggravated by the 12½ per cent restraint deduction. At its last meeting of the past fiscal year, the Directors resolved to give a high priority to improving the compensation payable under these tariffs.

As I have indicated, our accomplishments of the past year are due to the commitment and cooperation of many individuals and organizations. I am particularly grateful for the contribution made by our Board of Directors and our Executive Director, Stephen Owen.



*T.J. Melnick, Q.C.
Chairman*

Executive Director's Report

The past year has been challenging and productive for the Society. Despite continuing restraint and the prospect of a statutory amendment, the Society has firmly established the essential nature of its services and the efficiency with which they are being delivered; it has significantly broadened the base of its support and resources; and it has improved services in several vital areas.

The essential nature of the services delivered by the Society under the mandate of the *Legal Services Society Act* has been reaffirmed by the provincial government. The Attorney General's Task Force report, the federal Evaluation of Legal Aid in B.C. and the C.B.A. National Legal Aid report have all defined these services as essential and in need of expansion to meet minimum needs. In times of reduced public revenues, it is appropriate that the effectiveness and efficiency with which these services are delivered should be closely scrutinized. Numerous independent audits, evaluations and studies have confirmed that high standards are being met at the lowest possible cost.

The Society's major sources of support continue to be direct funding from the provincial government and indirect funding, through cost-sharing arrangements, from the federal government. This is appropriate given the essential nature of the services being provided. However, it is valuable to obtain as wide a base of support as possible to secure the services against unanticipated decreases in government funding and increases in need, particularly if they coincide.

During the past year significant extra resources have been acquired.

- The City of Vancouver, through a borrowing arrangement with a property developer, has enabled the Society to receive free office space for 15 years for its administration

and resource centre facilities, thereby saving the Society several million dollars in expenditures.

- The Society received a Canada Works Grant to fund a Refugee Legal Services project involving a lawyer and two paralegals working out of the Gastown office.

- Provincial legislation has been passed creating a Notary Public Foundation to receive the interest income on Notary Publics' pooled trust accounts, 50 per cent of which will come to the Society. Further legislation will encourage increased income to the Law Foundation, which is a major funder of the Society.

- A special funding contract has been signed with the Human Rights Council under which the Society is now providing representation to qualifying individuals for all human rights complaints, hearing and appeals.

- Under the leadership of the C.B.A. and the Law Society, the legal profession has widened and strengthened its support and contribution to public legal services and has committed itself to a major pro bono effort in urgent civil and administrative law cases over the next two years, until the provincial government can assume responsibility for funding them.

- Discussions have been initiated with the Department of Justice for special funding of a legal services project to increase accessibility in Northern B.C.

Regarding all of these initiatives, the Attorney General has confirmed that increased alternative resources will not result in a corresponding reduction of provincial funding to the Society.

In addition to the commitment and hard work of staff in Society offices and funded agencies around the province and of private lawyers handling family and criminal legal aid cases at inadequately low tariffs, particular mention should be made of several special projects.

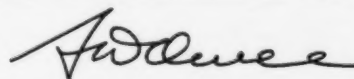
The Kamloops office has developed a weekly television program involving volunteer lawyers and others skilled in a variety of poverty law issues. Many staff lawyers

around the province provide circuit court services to remote communities under difficult and isolated conditions. The Prison Project staff deal on a daily basis with the stress and challenges of providing legal services to prison inmates, thereby reducing tension and the sense of injustice in those institutions.

The Law Line, operating out of the Resource Centre in Vancouver, provided legal information to over 15,000 callers during the year. The Schools Program, working with the C.B.A., has secured a commitment from the Ministry of Education to introduce a significant law component to the Social Studies curriculum for grades 8 to 11. Individuals are being assisted with Family Court hearings not covered on the legal aid tariff through a highly effective program involving a series of self-help advocacy materials, volunteer training sessions and the formation of local support committees. Public Legal Education materials have been produced and distributed to deal with vital legal issues which are unique to Native Indian peoples.

The Victoria Law Centre continues to administer the Law Students Clinical program for the University of Victoria, which greatly expands the representation services available for people with legal problems not normally covered by legal aid. Volunteer boards of funded agencies around the province devote their time and skill to the improvement of legal services in their communities.

The Legal Services Society is a diverse and vital organization which integrates a wide range of essential services in an efficient and effective manner. After three years of deficits, the budget has now been balanced and we look forward to the opportunity of enhancing these services with the increased resources that are anticipating in the near future.



Stephen Owen
Executive Director

Board of Directors 1984-1985*

Donald A. Silversides Chairman	Lawyer, Prince Rupert (to April 29, 1984)
T.J. Melnick Chairman	Lawyer, Cranbrook (from April 29, 1984)
Robert Johnston Vice-Chairman	Lawyer, Victoria (from April 29, 1984)
David Tupper	Lawyer, Vancouver
David W. Ramsay	Lawyer, Prince George
Peggy Drury	Blind Bay
Mr. Justice J.C. Bouck	Justice of the B.C. Supreme Court, Vancouver
Loretta Chaperon	Lawyer, Victoria
Leonard T. Doust	Lawyer, Vancouver
Lois Holstedt	Law Office Manager, Kamloops
T.E. La Liberte	Lawyer, Vancouver
His Honour William Ostler	Retired, Victoria
Jeanne Watchuk	Lawyer, Vancouver
Rosemary Supernault	Courtworker, Burns Lake (from April 29, 1984)

Acknowledgements

The Legal Services Society wishes to acknowledge the generous funding which it receives from the Provincial Government and from the Law Foundation of British Columbia.

In addition, the Government of Canada contributes significantly to the cost of criminal legal aid through federal/provincial cost sharing programs.

*The Legal Services Society Act provides for the appointment of 14 members of the Board of Directors, seven appointed by the Lieutenant Governor in council and seven appointed by the Law Society of British Columbia in consultation with the Executive of the British Columbia Branch of the Canadian Bar Association.

Client Services Department

The role of the Client Services Department, together with the Native Programs Department, is to fulfill the mandate contained in s. 3(2) of the *Legal Services Society Act*. That section provides:

The Society shall ensure that legal services are available to a qualifying individual who:

- (a) is a defendant in criminal proceedings that could lead to his imprisonment;
- (b) may be imprisoned or confined through civil proceedings;

- (c) is or may be a party to a proceeding respecting a domestic dispute that affects his physical or mental safety or health or that of his children; or
- (d) has a legal problem that threatens
 - (i) his family's physical or mental safety or health;
 - (ii) his ability to feed, clothe and provide shelter for himself and his dependants; or
 - (iii) his livelihood.

Reductions in Coverage & the Mountain Decision

In fiscal year 1983/84, the Society made deep cuts due to funding reductions. These reductions included a twelve and one-half per cent decrease in fees paid to private lawyers for legal aid cases, staff lay-offs, and reduction in coverage in the criminal and family law areas.

In August, 1983, because of a further reduction in funding, the Society was obliged to reduce its services below the minimum set out in s. 3(2) of the *Legal Services Society Act*.

All coverage was eliminated for anyone facing a summary conviction charge (where the maximum sentence is six months' imprisonment), unless that individual

was likely to go to jail and did not have a related prior record. In effect, this eliminated coverage in thirty per cent of cases. This meant that many individuals facing incarceration as a result of a conviction were denied counsel.

The Society also closed offices in Nanaimo, Vernon, Cranbrook, Smithers and Maple Ridge.

In November, 1983, the Society was successfully sued by Richard Mountain, an applicant for legal aid who had been denied counsel under the cutback rules. The Court of Appeal said, "... if a person's safety, health or livelihood are in real jeopardy, the Society is required to make legal services available."

Current Coverage

As a result of the *Mountain* decision, the Attorney General agreed to continue to fund services at the statutory minimum. The Society now provides services in areas under s. 3(2) of the Act.

In criminal matters, counsel is provided for all indictable matters, for summary conviction matters where the accused is likely going to be imprisoned as a result of the charges he or she is facing; for charges under the *Young Offenders Act* where the youth would be eligible if an adult; and for

proceedings under the *Extradition Act* and the *Fugitive Offenders Act*.

In family and other civil matters, each applicant's situation is assessed individually. If the matter is urgent, counsel is provided. The family tariff covers parents under the *Family and Child Service Act* and also covers other urgent matrimonial matters.

Even at this level of service, many people who need assistance are not getting help because their situation is not "urgent."

Who Is Eligible?

Persons are financially eligible for legal aid when their income is less than the limit set for the population centre in which they reside. These limits are based on the Statistics Canada low income guidelines. Because of cuts to funding in 1982, the Client Services Department abandoned its previous and more flexible test for eligibility, which found persons financially eligible for legal aid when requiring them to pay legal fees would impair their ability to provide themselves and their dependants with the essentials necessary to keep them adequately

fed, clothed and sheltered and living together as a family.

If counsel is provided, applicants must pay a user fee of \$30.00 if they are not on Social Assistance, \$10.00 if they are.

Anyone who is turned down for legal aid is entitled to appeal the refusal to the Executive Director.

Those not financially eligible for service may nevertheless be assisted if the needed service cannot be obtained from another source. Every effort is made to give as much legal information and advice as possible to ineligible persons who cannot afford a lawyer.

Methods of Providing Service

There are two mechanisms for delivering services. Family and criminal matters are referred to the private Bar. Other matters are dealt with by staff in offices located around the province that are operated either by the Legal Services Society or by agencies funded by the Legal Services Society.

Tariff Programs

The private Bar is engaged in delivering services through tariff programs to eligible clients in the criminal and family law areas.

Clients whose problems are covered by the tariff are referred by a Legal Services Society office or an area director to a private lawyer. The lawyer is then paid for service at a rate determined by the Society's tariff of fees. The solicitor/client relationship is the same as if the client had retained a lawyer privately.

A client has the right to select any lawyer who is willing to act from within the geographical region where the client lives or where the problem arises. In criminal cases where the minimum penalty upon conviction is life imprisonment, the client is entitled to retain and instruct any member of the Bar of British Columbia who is prepared to act.

Tariff fees for private lawyers acting on legal aid cases are significantly below what lawyers would receive if they were acting in a

similar case, on a private basis.

There has been no increase to the tariff since 1981; and in 1982, fees were actually reduced by 12.5 per cent owing to funding cuts.

In addition to the contribution which the Bar makes through the tariff program, lawyers in private practice frequently agree to act, without fee, in civil law cases where no tariff is provided. The contribution the private Bar makes in these ways to the service provided to clients is invaluable.

Reciprocity

Where residents of other jurisdictions require legal services in B.C., the Legal Services Society attempts to provide the same assistance for them as it does for residents of B.C.

Within Canada, this procedure is formalized by the inter-provincial reciprocity agreement, to which all provincial and territorial legal aid plans are parties. Financial eligibility is determined according to the criteria of the applicant's province of residence. The service provided is that which the assisting province would provide to its own residents.

Internationally, the Legal Services Society has no formal reciprocity agreements. However, where a B.C. resident requires legal assistance in a foreign jurisdiction, the Legal Services Society will contact the legal aid program in the other jurisdiction

and request that service be provided. The Legal Services Society handled approximately 172 reciprocal cases in the last year, from all parts of Canada, as well as from the U.S.A., Australia, United Kingdom, West Germany, and other countries, both in Europe and the Commonwealth. 267 clients originating in B.C. obtained assistance through legal aid plans outside the province.

Duty Counsel

Duty counsel are staff lawyers, or lawyers retained from private practice, who are available in the courts to advise accused persons held in custody. Advice is given concerning charges, court procedures and the right to apply for legal aid.

In addition, duty counsel ensure that the person applies for legal aid; that bail applications are made on behalf of the accused person, when appropriate; that the accused is represented upon sentencing if the accused decides to plead guilty; and that the accused is represented in cases where the Crown is seeking a psychiatric remand or a further remand in custody. Where possible duty counsel also give advice to and appear on behalf of accused who are not in custody, but are making their first appearance in court.

Duty counsel was provided in adult criminal courts in the following areas: Abbotsford, Alert Bay, Alexis Creek, Anaham Lake, Bella Bella, Bella Coola, Burnaby, Campbell River, Cassiar/Lower Post, Chetwynd, Chilliwack, Cloverdale, Coquitlam, Courtenay, Cranbrook, Creston, Dawson Creek, Delta, Fernie, Fort Nelson, Fort St. James, Fort St. John, Gold River, Hope, Houston, Hudson Hope, Kamloops, Kelowna, Kimberly, Langley, Maple Ridge, Matsqui, Mission, Nanaimo, Nelson, New Westminster, 100 Mile House, Parksville, Penticton, Port Alberni, Port Hardy, Powell River, Prince George, Prince Rupert, Quesnel, Rossland, Sidney, Smithers, Sparwood, Surrey, Tahsis, Trail, Ucluelet, Vancouver, Vernon and Victoria.

Juvenile duty counsel was provided in courts in Vancouver, Surrey, Victoria, Prince George, Coquitlam and Kelowna. In other areas, regular duty counsel assisted with *Young Offenders Act* matters.

Legal Service Society Branch Offices*

The Legal Services Society operates branch offices in a number of communities throughout the province. Staff lawyers and secretary/legal assistants and, in some offices, paralegals, administer the tariff and duty counsel programs. In addition, they provide a wide range of legal services to qualified applicants, particularly in areas of the law not covered by the Legal Services Society tariff.

Typical cases that may be handled by branch office staff include Workers' Compensation claims, welfare appeals, Unemployment Insurance cases and other administrative law matters; labour law problems; defences in civil actions, including bankruptcy, foreclosure and debt; and advice in family law matters.

The locations of the branch offices are shown in Appendix "A", p. 23.

Area Directors*

In communities where there is no Legal Services Society branch office or community law office, a private lawyer administers the tariff programs and gives summary advice on non-tariff matters. Area Directors make an invaluable contribution to the overall service provided.

For the location of Area Director offices, see Appendix A, p. 23.

Community Law Offices*

The Legal Services Society funds a number of independent societies throughout the province, which run community law offices. The offices are staffed by legal information workers and secretary/legal assistants, with approximately half the offices employing a staff lawyer

and the other half making use of a lawyer in private practice to act as a consultant and supervisor. Most community law offices administer the legal aid tariff for their area.

The offices provide a wide range of legal services for the communities.

The societies draw on their local knowledge to assess needs and set priorities and to develop programs which are particular to the needs in their communities.

The locations of the community law offices are shown in Appendix "A", p. 23.

Other Funded Agencies

Vancouver Community Legal Assistance Society

The Legal Services Society contributes a portion of the funds required by the Vancouver Community Legal Assistance Society (VCLAS). Through its three offices, VCLAS provides a range of services. It supplies a lawyer to supervise the Law Students' Legal Advice Clinic in Greater Vancouver; it runs the Mental Patients' Advocacy Project at Riverview

Mental Hospital, and it provides direct services through its staff at its main office.

Elizabeth Fry Society

The Elizabeth Fry Society provides assistance to women in conflict with the law, primarily through the use of well-trained volunteers. The Society provides courtworker services around the province, community access workers to women's correctional institutions and, in Vancouver, counselling services.

Special Programs

Prison Services Program

Special services are provided to prisoners in institutions in the Lower Mainland and the Fraser Valley by paralegal personnel and consulting lawyers, based primarily in Abbotsford. These special services ensure that prisoners can have access to the ordinary services that other citizens can look to for assistance, as well as to ensure that legal assistance is available for some of their unique problems.

Regular clinics are maintained by program staff in Kent Maximum Security Institution, Matsqui Institution, Mission Medium Security Institution, Regional Psychiatric Centre, Lower Mainland Regional Correctional Centre, including the Women's Unit,

and forest camps, juvenile facilities, and institutions of lesser security, upon demand.

Do Your Own Divorce Program

In the Vancouver area, clients who qualify for legal aid and who are about to commence divorce proceedings on the ground of living separate and apart for the time prescribed by the *Divorce Act*, are given assistance under this special program. The Law Students' Legal Advice Program prepares the documents and a lawyer is appointed to go to trial with the client.

During the 1984/85 fiscal year, approximately 135 persons were assisted to obtain divorce decrees under this program

Training Program

The Training Program is responsible for the training of community legal information counsellors, staff lawyers and secretary/legal assistants throughout the province. The goal of the program is to ensure competent delivery of direct and indirect legal services to the public by providing training programs for staff and personnel in funded agencies. These programs frequently take the form of 3- or 5-day workshops,

covering substantive law and advocacy skills. Resource materials have also been developed and are provided by the program for use in the offices.

In addition, the program has a budget to allow staff lawyers to attend courses organized by the Continuing Legal Education Society of British Columbia. It also funds an annual staff lawyer conference.

Planning and Research Department

The Planning and Research Department provides consultation and information to the Board of Directors in its policy deliberations. It also provides assistance to other departments with questions related to policy, statistics and the ongoing evaluation of departmental activities.

The major focus is on the use and maintenance of the Society's information system, which covers all direct client services of the Legal Services Society and its funded agencies. The system processes all case data and has enabled the Society to take over direct payment of tariff accounts. The information system is now generating case and staff management data which enables the Society to make

better informed management and budgeting decisions.

The Department has played a part in several federal/provincial matters. It took an active role in support of the Attorney General's Ministry both in preparing for and participating in the federal/provincial negotiations on a new Criminal Legal Aid Cost Sharing Agreement. The Department is also working with the provincial government to expedite cost sharing of civil legal aid under the Canada Assistance Plan.

The Department is now participating in an effort to design national statistics for legal aid, and to make the statistics compatible with those kept by other justice sections.

Legal Information Services Department

The Legal Information Services Department of the Legal Services Society provides education, advice and information about the law to the people of British Columbia in order to facilitate equal access to the law and to reinforce public understanding of and support for the rule of law.

The objectives of the Legal Information Services Department are:

- 1** To increase the public's ability to understand the law and legal process in order that they will be able to exercise their rights and assume their responsibilities.
- 2** To increase the public's ability to identify and to prevent or to avoid potential legal problems.
- 3** To increase the public's ability to know when and how to obtain legal services.
- 4** To increase the public's ability to help themselves to resolve

legal problems, in appropriate cases.

5 To facilitate the effective operation of a democratic society, including the support for the rule of law.

The Department provides these services through three Programs—the Schools Program, the Public Legal Education Program, and the Library Services Program—and through its Publications Branch which produces print materials for the Legal Services Society.

The Legal Information Services Department has responsibility for providing the public, the provincial Bar and the Society's funders with information about its services. The Department distributes audiovisual and print materials to the general public and to its funded agencies. In 1984/85, the Publications Branch produced 42 publications for the Society. The Department distributed 216,500 materials.

The Schools Program

The purpose of the Schools Program is to support and develop legal education in the British Columbia school system and to ensure that students become more aware of their rights and responsibilities as

citizens living under the rule of law. This purpose is achieved by developing materials and providing support services to teachers and other educators involved in legal education.

Curriculum Materials Development and Distribution

During this fiscal year, significant progress was made in assisting the Ministry of Education to include legal concepts in the revision of the Grades 8-11 social studies curriculum.

The development of the tort law materials for Law 11 classes was completed, and the materials were published. The material on labour law for use by Consumer Education 12 teachers was also published, as was a court chart on the *Young Offenders Act*. In addition, development of materials on the *Young Offenders Act* continued. These materials will be used in Guidance 8 classes throughout the province.

As of March 31, 1985, the Schools Program is distributing 16 curriculum materials. During the previous 12 months, it distributed over 4,200 copies of curriculum materials to schools.

Newsletter

Five issues of the Schools Program Newsletter were produced on the themes of Labour Law, Residential Tenancies, Victims of Crime, Early Release of Prisoners, and Law Reform.

Each issue contained a feature article on the topic, an article for students entitled "Class Action" which presented a brief summary of theme-related cases, and a Resource section of bibliographic information. "Court Report," another regular feature, summarized topical cases for classroom discussion. The feature entitled "Consumer Education" was continued in order to meet the needs of the many

Consumer Education teachers for information on law-related aspects of the Consumer Education curriculum.

In all, over 15,000 copies of the Newsletter were sent to teachers, librarians and others involved in law and education.

Teacher Training

Forty-four workshops on the *Young Offenders Act* were held in almost every region of the province for over 900 school administrators, counsellors and law teachers.

The Schools Program has responded to requests from individual school districts as well as being actively involved in many conferences and teacher workshops organized throughout the province by the Ministry of Education.

Liaison Activities

The Schools Program continued its ongoing relationships with many legal and educational organizations in B.C. and across Canada.

The Schools Program worked with the Law Foundation over the past year towards the development of legal education programs in the Faculty of Education at U.B.C. and S.F.U. As a result both universities are currently offering credit and non-credit courses in legal education for Education students.

The Schools Program was represented on the Canadian Bar Association (B.C. Branch) Law Day Committee. The Program assisted with the Open House at the Law Courts and arranged for lawyers to speak in classrooms throughout the Lower Mainland.

The Public Legal Education Program

The Public Legal Education Program focussed its resources on filling gaps in client services through the development and distribution of self-help materials and the training of volunteers working with self-help groups. A total of 45 contracts were let to carry out this work.

Family Court materials were prepared to assist unrepresented clients. These were distributed through our client services offices and agencies and by Family Court Counsellors to 16,000 potential Family Court users. The B.C. Public Interest Advocacy Centre was funded to continue to train

volunteers to assist applicants and respondents to prepare their cases for Family Court. A total of 190 volunteers have been trained this fiscal year in 43 communities.

Court information programs were supported in Kelowna, Kamloops, Port Alberni, North Vancouver and Lillooet.

Training materials and workshops were also provided in the area of administrative law. Groups such as the Federated Anti-Poverty Groups, the Unemployed Action Centres and People First participated in skill development workshops to enable them to assist their members with welfare, unemployment, employment, housing and discrimination problems. Ten workshops were organized, reaching 135 lay advocates in 18 communities.

Three organizations received funds to produce materials and workshops for adults whose first language is not English. Three other agencies were funded to develop informational materials for victims of sexual assault, sexual harassment and wife assault.

The Public Legal Education Program worked in cooperation with other Legal Services Society departments and government agencies to develop materials on wife assault and the *Young Offenders Act*. In this latter area,

a staff member participated in 83 workshops to explain the *Young Offenders Act* to teachers, Native Bands, social workers, community agencies and the general public in over 30 communities.

In cooperation with Native Programs, we were able to provide support for eight Native law projects. The materials and the workshops were enthusiastically received and joint projects will be continued this fiscal year.

Sixteen contracts were let to revise or develop print materials for provincial distribution. The print materials are designed to assist people to identify and avoid legal problems, or to provide them with step-by-step guides to legal procedures, to help them solve legal problems. The materials include information for accused in summary conviction matters, and for inmates dealing with the prison system, as well as for people facing family, administrative or civil law problems.

Over 114,000 copies of materials on a variety of topics were distributed during the year.

In addition, the Public Legal Education Society received financial support for booklets covering areas of law affecting our client groups. 15,000 of these materials were distributed.

Library Services Program

The Library Services Program provides two main services:

- 1** Making the law and law-related materials accessible to the public by providing reference services, funding, staff training and library consultation to public libraries, Legal Services Society's regional offices, and community and Native law offices;
- 2** Operating the Legal Resource Centre, which provides a research facility and the Law Line—a telephone information service to the general public—so that all citizens can obtain current and accurate information about the law and the legal services available to them.

Legal Resource Centre and Law Line

During 1984/85, the Legal Resource Centre answered 15,909 information requests. The Centre operated the Law Line telephone services for regular but reduced hours of service (Monday-Thursday, 10:00 a.m. to 4:00 p.m., Friday 10:00 a.m. to 1:00 p.m.). Average calls per hour were 12.5. This year, about 25 per cent of Law Line callers received the additional Lawyer Referral Service in cooperation with the Canadian Bar Association (B.C. Branch).

In addition, 1,077 items were circulated from our audiovisual collection to schools and community groups.

Public Library Funding and Training

In 1984/85, a total of 30 public libraries or library systems were funded for a total of \$30,650. As a result of this program, 76 library collections of differing sizes were maintained across B.C.

Through a training program, the Library Services Program ensures that librarians become skilled in legal reference and referral, and that legal collections are maintained as accurate and useful sources of legal information.

During 1984/85, 27 workshops were conducted throughout the province for librarians, Legal Services Society staff, and a variety of groups and organizations. Topics covered included: legal research and referral, *Young Offenders Act*, family law, changes in federal/provincial legislation, landlord-tenant law, and civil procedures.

Funding was also continued for a

law student to staff the legal library at the Lower Mainland Regional Correctional Centre and to assist inmates with legal research.

The move to new premises in June, 1984 has resulted in a steady increase in the use of the Legal Resource Centre.

Publications

- *Legal Resource Centre News* - four issues.
- *Schools Newsletter* - resource handbook prepared for five issues.
- *OBITER* - Library News Section, four issues.
- *Audiovisual Catalogue* - new edition.
- *Taking the Law Into Your Own Hands: A Guide to Legal Research* - by Tim Roberts, 2nd. ed.
- *Evaluation of the Public Library Program of Legal Services Society* - by Janet Currie and Tim Roberts.
- *Law Line Poster*

Native Programs Department

On July 12th, 1984 the Legal Services Society adopted a preamble and goals for the Native Programs Department. In doing so, the Society was incorporating the recommendations of the Native Task Force into the context of a policy framework for the delivery of legal services to Indian people in B.C.

The Native Task Force, which developed the recommendations, was made up of representatives of the Native Community Law Offices, of developing Native legal offices, and of the Indian Friendship Centres' funded projects.

The preamble and goals of the Native Programs Department as adopted by the Board of the Legal Services Society are as follows:

WHEREAS

Native Indian People come into conflict with the law in disproportionate numbers;

AND WHEREAS

Native Indian people stand in a unique constitutional relationship to the Canadian legal system;

AND WHEREAS

The Board of the Legal Services Society recognizes a particular responsibility for Native Indian people in relation to the legal system;

AND WHEREAS

The Board recognizes that the most important source of its policy regarding Native Indian people are Native Indian people themselves.

The Board affirms the continuation of the Native Programs Department of the Legal Services Society with the following goals:

1 To provide ways for Native Indian peoples to articulate their needs for legal services delivery and be responsive to their needs, as they change from time to time.

2 To assess the overall delivery of all legal services to Native Indians in B.C., both through Legal Services Society and other government and non-government agencies to maintain and/or improve the quality of existing services and to develop services appropriate to the needs of Native Indian people.

3 To ensure that legal services are afforded to individuals of Native Indian ancestry who may not otherwise receive them because of conditions and circumstances particular and unique to Native Indian people, as well as for financial reasons.

4 To ensure that education and information about law are provided to Native Indian people in B.C. consistent with their needs.

5 To ensure, subject to the *Legal Services Society Act*, that communities of Native Indian people in B.C. are afforded the opportunity of real community control and responsibility by active involvement in the delivery of legal services.

6 To ensure individual Native Indians are not disadvantaged because the collective legal rights of Native Indian people have been impaired because no one can afford counsel or obtain counsel by other means.

7 To ensure that legal services to Native Indian peoples are adequately funded and are consistent with their needs and, where appropriate, to develop new and innovative methods of delivery which incorporate traditional, common, cultural values and beliefs.

Recommendations & Responses

The recommendations made by the Native Task Force, and the responses of the Legal Services Society, were as follows:

Recommendation

There must be a better data base to collect information on Native people in relation to the legal system.

Response by L.S.S.

Questions are being added to the Society's information forms which will identify and provide the demographic data needed to collect information on Native people seeking services from the Society.

Recommendation

The Task Force must continue for a period of time on an advisory basis.

Response by L.S.S.

To support the Native Task Force's funding application to the federal Department of Justice.

Recommendation

Any new programs that are directed at Native communities must be approved and controlled by the Native communities involved.

Response by L.S.S.

The adoption of the Native Programs goals #1, #5, and #7.

Recommendation

If the Legal Services Society wishes to conduct programs that are aimed at Native people it should increase the number of Native people on the Board of Directors to a minimum of three.

Response by L.S.S.

Board of Directors will, within its power, try to ensure that there is Native representation on the Board.

Recommendation

The budget development process of the Legal Services Society should be opened up to the Native funded organizations.

Response and action by L.S.S.

The adoption of the Native Programs goal #5.

All contracts with Native funded groups have a clause which allows for participation in the Native Programs' budget process.

Recommendation

Global funding should be given to Native organizations.

Response and action by L.S.S.

The adoption of the Native Programs goal #5.

A global funding contract clause has been incorporated into the new Native funding contract/agreement.

Recommendation

There should be a more liberal interpretation of the Legal Services Society Act as it applies to Native people.

Response and action by L.S.S.

The adoption of the Native Programs goals #2, #3, #6, and #7.

In addition, a review of the hunting and fishing legal aid tariff of fees is underway. Comment and input was invited from tribal councils, bands, Native Courtworkers, Native CLO's and funded centres, lawyers who do tariff work in this area of law and L.S.S. offices. This input will be utilized in the development of an appropriate policy for an Indian hunting and fishing tariff.

Recommendation

Native people should not go to jail for the failure to pay fines.

Response by L.S.S.

The Society will look into the possibility of cooperating with the Attorney General to develop a fine option program so that Native people will not go to jail for failure to pay fines.

Recommendation

There should be more exchanging and sharing of information between the Legal Services Society and the Native Courtworker and Counselling Association.

Response by L.S.S.

The Society supports this recommendation.

Consultation and information-sharing is underway on a regular basis.

Native Public Legal Education

During the summer of 1985, two students were hired to develop Indian law pamphlets. The subject areas covered were chosen based on the results of a survey conducted by the Native Programs Department in the summer of 1984. All bands, Indian organizations, Friendship centres, tribal councils, Native Courtworkers, L.S.S. offices, Native CLO's and CLO's were asked to identify topic areas. Pamphlets which are specific to Native Programs and graphically identified by Native Programs were produced on the following topics:

- Income Tax and Native Indians
- The Family Home on an Indian Reserve
- Rights and Responsibilities as Native Fishing People

• Family Property on an Indian Reserve

The response to and request for these pamphlets has been overwhelming. Plans are underway to do a series of five Indian law booklets, which should be completed and ready for distribution later in 1985. The most positive aspect of all of this has been the interest by the Indian community in becoming actively involved in providing legal education to their communities.

Native Friendship Centres

Friendship centres in Fort St. John Smithers and Port Alberni continue to receive funding from Native Programs.

This enables them to employ legal information counsellors. The counsellors provide client services, do some court work, hold legal information workshops and take part in community development.

Unfortunately, due to restraint, the Mission Indian Friendship Centre legal information project will no longer be funded after March 31st, 1985, as no funds are available.

Despite restraint and the demands imposed by the tremendous needs and heavy client workloads in all these communities, the people continue to provide excellent services. Without their support and assistance this Program would have little reason to continue in its present form.

Comments

It is hoped that the financial resources of the Society are increased in the future so that Native public legal education and increased civil legal services may be developed in isolated areas, with large Native populations.

The year cannot end without some thanks for the tremendous support of all the various departments and individuals within the Legal Services Society and from our network of branch offices and other funded groups. Lastly, the wisdom and judgment in decision-making of our Board during the year has been crucial in ensuring the continuity and continuation of Native Programs.

Applications Received: April 1, 1984-March 31, 1985

Legal Services Society Branch Offices

Location	Criminal Matters	Family Law	Other Civil Law Matters	Total
Burnaby Branch	2266	672	525	3463
Burnaby Public Defender	1034	1	0	1035
Campbell River	700	524	224	1448
Chilliwack	918	492	352	1762
Dawson Creek	427	258	279	964
Fort St. John	293	172	108	573
Kamloops Law Centre	1244	882	1550	3676
Kelowna	646	466	373	1485
Langley Paralegal	399	174	121	694
Nanaimo	1077	535	354	1966
Nelson	445	307	210	962
Prince George	1764	742	364	2870
Prince Rupert	468	288	197	953
Prison Project	159	47	556	762
Surrey	1333	854	365	2552
Vancouver	9672	2095	2450	14217
Vancouver Admin.	297	57	25	379
Williams Lake	335	281	289	905
Offices Subtotal	23477	8847	8342	40666

Community Law Offices, Native Community Law Offices and Friendship Centres

Location	Criminal Matters	Family Law	Other Civil Law Matters	Total
Abbotsford	965	656	697	2319
Burns Lake	168	113	237	518
Ft. St. John	6	51	120	177
Hazelton	134	98	368	600
Masset	60	65	613	738
Merritt	256	261	673	1190
Mission	—	—	73	73
Nanaimo	3	22	380	405
New Westminster	5	1394	2238	3637
Northshore Information	19	378	419	816
Penticton	451	391	760	1602
Port Alberni	17	19	42	78
Powell River	260	229	522	1011
Quesnel	481	239	520	1240
Richmond	—	19	52	71
Legal Information	—	—	—	—
Skidegate	57	107	900	1064
Smithers	72	17	3	92
Squamish	50	16	65	131
Victoria	2386	1722	1657	5765
Agencies Subtotal	5390	5798	10339	21527

Area Directors

Criminal Matters	Family Law	Other Civil Law Matters	Total
2631	1153	402	4186

Total (All Offices)	31498	15798	19083	66379
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Auditor's Report

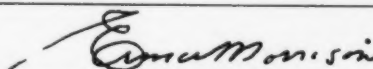
To the Chairman and Members of the
Legal Services Society, and

To the Attorney-General,
Province of British Columbia

I have examined the balance sheet of
the Legal Services Society as at
31 March 1985 and the statement
of income, expenditures and surplus
for the year then ended. My
examination was made in accordance
with generally accepted auditing
standards, and accordingly included

such tests and other procedures as
I considered necessary in the
circumstances.

In my opinion, these financial
statements present fairly the financial
position of the Society as at 31 March
1985 and the results of its operations
for the year then ended in accordance
with generally accepted accounting
principles, as modified by note 2 to
the financial statements, applied on
a basis consistent with that of the
preceding year.



Victoria, British Columbia
31 May 1985

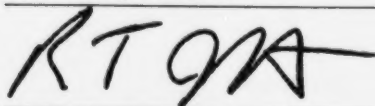
Erma Morrison, F.C.A.
Auditor General

Balance Sheet as at March 31, 1985

Assets	1985	1984
Cash and term deposit	\$ 826,450	\$ 987,408
Accounts receivable	24,895	17,378
Due from the Province of British Columbia	420,000	—
Grants recoverable	3,126	10,705
Prepaid expenses	60,727	38,577
	<u>\$1,335,198</u>	<u>\$1,054,068</u>
Liabilities		
Accounts payable — general	\$ 146,448	\$ 180,105
— tariff	988,041	2,357,437
Professional staff benefit plan	187,515	181,250
	1,322,004	2,718,792
Surplus (Deficit)	13,194	(1,664,724)
	<u>\$1,335,198</u>	<u>\$1,054,068</u>

The accompanying notes are an integral part of these financial statements.

Approved by the Board:



R. Johnston
Chairman



L. Doust
Vice-Chairman

**Statement of Income,
Expenditures
and Surplus
for the Year Ended
March 31, 1985**

INCOME	1985	1984
Grants		
Province of British Columbia	\$15,920,000	\$13,923,478
Law Foundation	2,000,000	1,999,996
	<u>17,920,000</u>	<u>15,923,474</u>
Other Income		
Interest	166,943	240,634
Legal costs recovered from clients	133,569	191,177
Publications	16,571	21,985
Miscellaneous	5,255	5,278
	<u>322,338</u>	<u>459,074</u>
	<u>18,242,338</u>	<u>16,382,548</u>
EXPENDITURES		
Area directors	62,224	32,784
Board expenses	45,808	61,237
Computer	90,081	92,787
Duty counsel	494,123	434,500
Grants and contracted services	2,034,525	2,190,366
Libraries	86,361	79,050
Miscellaneous	68,243	36,885
Office	400,261	394,171
Premises	486,737	505,458
Publications	73,793	84,543
Salaries and benefits	4,324,020	4,186,380
Tariffs	8,232,606	9,083,714
Travel	165,638	145,867
	<u>16,564,420</u>	<u>17,327,742</u>
Excess (Deficiency) of Income over Expenditures for the Year	1,677,918	(945,194)
Deficit at Beginning of Year	(1,664,724)	(719,530)
Surplus (Deficit) at End of Year	<u>\$ 13,194</u>	<u>\$ (1,664,724)</u>

Notes to the Financial Statements for the Year Ended March 31, 1985

1. Organizational objectives

Under the Legal Services Society Act the objects of the Society are to ensure that:

(a) services ordinarily provided by a lawyer are afforded to individuals who would not otherwise receive them because of financial or other reasons; and

(b) education, advice and information about law are provided for the people of British Columbia.

are recorded as operating expenditures at the time of acquisition,
(b) no accrual for employee vacation pay is provided, and
(c) no provision is made for legal work which has not been completed and billed.

3. Commitments

(a) The Society has commitments under long-term operating leases for the following:

(b) The Society estimates that the total cost of authorized legal work which has not been completed and billed as at March 31, 1985 will amount to \$3.7 million. (1984 — \$2.5 million.)

4. Comparative figures

Certain of the 1984 figures have been restated to conform with the financial statement presentation adopted in 1985. These restatements have no effect on the surplus.

2. Significant accounting policies

These financial statements have been prepared in accordance with generally accepted accounting principles except that:
(a) property and equipment

	Office Premises	Computer Equipment	Total
1986	\$249,903	\$ 58,052	\$ 307,955
1987	176,635	59,029	235,664
1988	65,304	55,302	120,606
1989	48,390	20,606	68,996
1990	9,481	—	9,481
	<u>\$549,713</u>	<u>\$192,989</u>	<u>\$742,702</u>

Schedules for the Year Ended March 31, 1985

	CLIENT SERVICES		LEGAL INFORMATION SERVICES			
	Administration, Training, Funded Groups & Tariff	Branches	Administration & Publications	Schools Program	Public Legal Education	Library Programs
EXPENDITURES						
Area directors	62,224					
Board expenses						
Computer		4,960				
Duty counsel	494,123					4,239
Grants and contract services	999,520	21,661		31,262	158,058	35,582
Libraries						86,361
Miscellaneous	19,999	22,672	436	4,385	6,339	5,318
Office	4,912	231,801	49	7,217	377	1,587
Premises		352,634				
Publications			73,793			
Salaries and benefits	292,368	2,583,092	143,053	97,384	64,999	161,020
Tariffs	8,195,214	37,392				
Travel	60,546	63,577	303	7,016	6,000	3,793
TOTALS	\$ 10,128,906	\$ 3,317,789	\$ 217,634	\$ 147,264	\$ 235,773	\$ 297,900

	NATIVE PROGRAMS	RESEARCH & PLANNING	GENERAL ADMINISTRATION	1985 TOTAL	1984 TOTAL
EXPENDITURES					
Area directors				62,224	32,784
Board expenses					61,237
Computer			45,808	45,808	92,787
Duty counsel			80,882	90,081	434,500
Grants and contract services	777,133	2,000	9,309	494,123	2,190,366
Libraries				2,034,525	86,361
Miscellaneous	773			86,361	79,050
Office	255		8,321	68,243	36,885
Premises			154,063	400,261	394,171
Publications			134,103	486,737	505,458
Salaries and benefits	90,246	67,999	823,859	73,793	84,543
Tariffs				4,324,020	4,186,380
Travel	16,816	46	7,541	8,232,606	9,083,714
TOTALS	\$885,223	\$70,045	\$1,263,886	\$16,564,420	\$17,327,742

Legal Services Society Branch Offices

Burnaby-New Westminster
120-5021 Kingsway, Burnaby
V5H 4A5 437-4432

Campbell River
No. 2-912 Island Highway
V9W 5A7 287-9521

Chilliwack
No. 5-9360 Mill St.
V2P 4N2 792-7264

Dawson Creek
Unit 9, 1405-102nd Avenue
V1G 2E1 782-5911/2

Fort St. John
B9822-101st Avenue
V1J 2B2 785-5674/5

Kamloops Regional Law Centre
No. 200-142 Victoria St.
V2C 1Z7 374-7777

Kelowna
1262 St. Paul Street
V1Y 2C9 763-8804

Nanaimo
No. 2-149 Wallace St.
V9R 5B2 753-0271

Nelson
550 Stanley Street
V1L 1N2 352-3147

Prince George
No. 202-1378 Fifth Avenue
V2L 3L4 562-4445

Prince Rupert
737 West 2nd Avenue
V8J 1H4 627-1364

Surrey
No. 308, 15225-104th Ave.
V3R 6Y8 584-8535

Vancouver
No. 2-195 Alexander St.
V6A 1N3 687-1831

Williams Lake
316-540 Borland Street
V2G 1R8 392-2941

Prison Services Project
2406 Montrose Avenue
Abbotsford 859-7681
V2S 3S9 or toll-free 530-3514

Langley Paralegal Project
5515-208th Street
V3A 2K4 530-5811

Community Law Offices

Abbotsford Community Services Society
2406 Montrose Avenue 859-7681
V2S 3S9 or toll-free 530-3514

The Nanaimo Community Assistance Society
149 Wallace Street
V9R 5B2 753-0271

Westminster Community Legal Services Society
805-12th Street
V3M 4K2 524-0381

Penticton Legal Services
Suite 103-304 Martin St.
V2A 5K4 493-0210

Powell River Legal Services
7053 Glacier Street
V8A 5J7 485-9871

Quesnel Human Rights & Civil Liberties Association
121 Barlow Avenue
V2J 2B8 992-8391

The Law Centre Association of Victoria
3rd Floor-1221 Broad St.
V8W 2A4 388-4516

Native Legal Information Offices

Burns Lake Community Law Centre Society P.O. Box 8000 492 Yellowhead Highway, #16 V0J 1E0 692-7534	Conayt Friendship Centre P.O. Box 1989 1988 Quilchena Avenue Merritt V0K 2B0 378-4114
Haida Counselling & Legal Assistance Society P.O. Box 37 Queen Charlotte City V0T 1S0 559-8306 and P.O. Box 130 Masset V0M 1M0 626-3925	Port Alberni Friendship Centre P.O. Box 23 3178 Second Avenue V9Y 7M6 724-3013
Fort St. John Indian Friendship Centre 10208-95th Avenue V1J 1J2 785-8566	Smithers Indian Friendship Centre P.O. Box 2920 V0J 2N0 847-9642
	Upper Skeena Counselling & Legal Assistance Society P.O. Box 130 Hazelton V0J 1Y0 842-5218

APPENDIX "A" — LOCATION OF OFFICES

	Branch Office	Community Law Office	Area Director	Native Office		Branch Office	Community Law Office	Area Director	Native Office
Abbotsford		X	X		Nakusp			X	
Burnaby	X				Nanaimo	X			
Burns Lake			X	X	Nelson	X			
Campbell River	X				New Westminster		X		
Chetwynd			X		Penticton		X		
Chilliwack	X				Port Alberni				X
Cranbrook			X		Powell River		X		
Dawson Creek	X				Prince George	X			
Delta			X		Prince Rupert	X			
Duncan			X		Quesnel		X		
Fort St. John	X			X	Revelstoke			X	
Gibsons			X		Richmond			X	
Golden			X		Salmon Arm			X	
Hazelton			X	X	Skidegate				X
Kamloops	X				Smithers			X	X
Kaslo			X		Squamish			X	
Kelowna	X				Surrey	X			
Langley			X		Terrace			X	
Lillooet			X		Vancouver	X			
Maple Ridge			X		Vernon			X	
Masset				X	Victoria		X		
Merritt			X	X	Whitehorse			X	
					Williams Lake	X			